



Human Resources
Development Canada

Développement des
ressources humaines Canada

Government
Publications

SOCIAL SECURITY AGREEMENT

SUMMARY

CA1

HR

- 2053

Canada and Belgium

3 1761 11556985 7



INCOME
SECURITY PROGRAMS

Canada

FOREWORD

On January 1, 1987, the Agreement on Social Security between Canada and Belgium came into force.

This summary describes in general terms how the Agreement may help individuals qualify for Canadian or Belgian benefits. It is intended for persons residing in Canada.

It should be noted that, in addition to the entitlement conditions for benefits outlined in this summary, other conditions may be stipulated in the social security laws of either country. Further information about the conditions for entitlement to Canadian benefits and how they affect a particular case may be obtained from any Client Service Centre of Income Security Programs Branch. The telephone number and address of the nearest Centre can be found in the federal government listing of the telephone directory under "Human Resources Development Canada".

Only the Belgian social security institutions can provide specific information on the entitlement conditions for Belgian benefits and how they affect a particular case. To avoid delays or loss of benefits, persons who think they may be eligible for one of the Belgian benefits described in this summary should submit an application. Information on how to apply is given in the last page of this summary.

Published by authority of the Minister of Human Resources Development Canada

Également disponible en français sous le titre
"Résumé de l'Accord de sécurité sociale entre
le Canada et la Belgique"

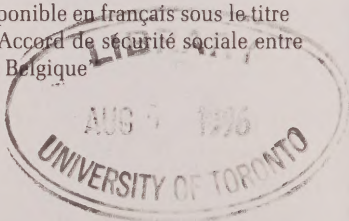



TABLE OF CONTENTS

INTRODUCTION	1
CANADIAN OLD AGE SECURITY BENEFITS	1
The Old Age Security Pension	2
The Guaranteed Income Supplement	3
The Spouse's Allowance	3
Calculating Old Age Security Benefits Under the Agreement	4
Payment of Old Age Security Benefits	4
CANADA PENSION PLAN BENEFITS	4
The Canada Pension Plan Retirement Pension	5
Canada Pension Plan Disability Benefits	5
Canada Pension Plan Survivors' Benefits	6
Calculating Canada Pension Plan Benefits Under the Agreement	7
Payment of Canada Pension Plan Benefits	8
BELGIAN BENEFITS INCLUDED IN THE AGREEMENT	8
Retirement Pensions	8
Survivors' Pensions	9
Invalidity Benefit	10
Calculating Belgian Benefits Under the Agreement	11
Payment of Belgian Benefits	12
DETERMINING THE APPLICABLE LEGISLATION	12
General Rule	12
Temporary Postings in Belgium	12
Government Employment	13
Residence Under the Old Age Security Act	13
MORE INFORMATION CONCERNING CONTRIBUTIONS	14
APPLYING FOR BENEFITS UNDER THE AGREEMENT	14



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

INTRODUCTION

The Agreement on Social Security between Canada and Belgium coordinates the operation of the Canadian and Belgian programs which protect individuals in the event of old age, retirement, disability or death. It has three basic objectives:

- (1) to ease or eliminate restrictions on the payment of social security benefits abroad;
- (2) to eliminate situations in which a worker may have to contribute to the social security programs of both countries for the same work;
- (3) to assist migrants in qualifying for benefits based on the periods they have lived or worked in each country.

The Canadian benefits included in the Agreement are those paid under the Old Age Security program and the Canada Pension Plan. These benefits are described in pages 1 to 8.

The Belgian benefits included in the Agreement are the retirement pensions, the survivors' pensions and the invalidity benefit payable under the Belgian social security schemes. These benefits are described in pages 8 to 12.

CANADIAN OLD AGE SECURITY BENEFITS

Canada's Old Age Security Act provides for three benefits: the basic pension, the Guaranteed Income Supplement and the Spouse's Allowance.

The Old Age Security Pension

The basic Old Age Security pension is a monthly benefit paid to persons who have reached the age of 65 and who meet the residence requirements. For receipt of the pension in Canada, this requirement is a minimum of ten years of residence in Canada after reaching age 18. For indefinite receipt of the pension abroad (including the case of a person applying for a pension while residing abroad), the requirement is a minimum of 20 years of residence in Canada after reaching age 18. A person who is receiving a pension in Canada but who has not completed 20 years of residence may, on leaving Canada, receive the pension only for the month of departure and for the six following months.

Through the Agreement, an individual who has at least one year of residence in Canada, but not residence of sufficient length to be entitled to an Old Age Security pension, may use periods of residence in Belgium after reaching age 18, or periods of contributions under the Belgian social security system after reaching that age, to satisfy the entitlement conditions for a pension. For example, a person who has resided in Canada for nine years after reaching age 18 may qualify for a pension payable in Canada if he or she has resided in Belgium for at least one year after reaching age 18.

As well, through the Agreement, a person who has at least one year of residence in Canada, but not the 20 years required for receipt of the Old Age Security pension abroad on an indefinite basis, may use periods of residence in Belgium after reaching age 18, or periods of contributions under the Belgian social security system after reaching that age, to satisfy the 20-year condition.

The Guaranteed Income Supplement

The Guaranteed Income Supplement is a monthly benefit payable, in addition to an Old Age Security pension, to a beneficiary who has little or no income other than the basic Old Age Security pension. The supplement is essentially payable only to residents of Canada. However, if a recipient leaves Canada, it may be paid abroad for the month of departure and for the six following months.

The Spouse's Allowance

The Spouse's Allowance is a monthly benefit payable to the 60- to 64-year-old spouse of a beneficiary of the Guaranteed Income Supplement and to a widowed person in the same age group who has little or no personal income. At age 65, the Spouse's Allowance is replaced by the Old Age Security pension. At least ten years of residence in Canada after reaching age 18 are required to qualify for a Spouse's Allowance. Like the Guaranteed Income Supplement, the Spouse's Allowance is essentially payable only in Canada. However, if a recipient leaves Canada, it may be paid abroad for the month of departure and for the six following months.

Through the Agreement, an individual who has at least one year of residence in Canada, but not the ten years required to be entitled to a Spouse's Allowance, may use periods of residence in Belgium after reaching age 18, or periods of contributions under the Belgian social security system after that age, to satisfy the ten-year condition.

Calculating Old Age Security Benefits Under the Agreement

The amount of the Old Age Security pension payable under the Agreement is equal to 1/40th of a full pension for each complete year of residence in Canada after reaching age 18. It is calculated in the same way as is a partial pension under the Old Age Security Act if eligibility is established without recourse to an agreement.

The amount of the Spouse's Allowance is determined by the couple's income or, in the case of a widowed person, by the personal income of the beneficiary.

Payment of Old Age Security Benefits

Old Age Security benefits are paid by Human Resources Development Canada in Canadian funds directly to the beneficiary, whether he or she lives in Canada or abroad.

CANADA PENSION PLAN BENEFITS

The Canada Pension Plan provides benefits in the event of retirement, disability or death of a contributor. The Plan, which began operation in 1966, covers virtually all persons engaged in paid employment or self-employment in Canada, except in Quebec where a similar plan, the Quebec Pension Plan, is in effect.

Canada Pension Plan benefits may be paid anywhere in the world, without any restriction whatsoever.

The Canada Pension Plan Retirement Pension

A retirement pension is a monthly benefit payable to a contributor who has reached retirement age and who has made contributions to the Plan in at least one year.

The normal retirement age is 65. A person who has reached this age may receive a retirement pension even if he or she is still working. A retirement pension may also be paid to a contributor aged between 60 and 64 who has completely ceased paid employment or whose employment earnings, at an annual rate, do not exceed the amount of the maximum annual retirement pension payable to a person whose pension begins at age 65.

If an individual starts to receive a retirement pension before age 65, the pension is reduced by 0.5 percent for each month between the month the pension begins and the month of the person's 65th birthday. The reduction is permanent. Conversely, if the pension starts after the individual reaches age 65, it is increased in a comparable manner.

Canada Pension Plan Disability Benefits

A disability pension is a monthly benefit payable to a contributor who is disabled and who has made contributions to the Plan in at least five of the ten or in two of the three calendar years immediately preceding disablement.

A contributor is considered to be disabled if he or she has a physical or mental disability which is both severe and prolonged. "Severe" means that the individual cannot regularly pursue any substantially gainful occupation. "Prolonged" means that the disability is likely to be long continued and of indefinite duration, or is likely to result in death.

A monthly child's benefit is also payable for each dependent child of a disabled contributor. The child must be under age 18, or age 18 or older but under age 25 and in full-time attendance at school or university.

Through the Agreement, a person who has some periods of contributions to the Canada Pension Plan, but who has not made sufficient contributions in the years immediately preceding disablement, may use periods of contributions under the Belgian social security system to satisfy the conditions for entitlement to a Canada Pension Plan disability benefit.

Canada Pension Plan Survivors' Benefits

A surviving spouse's pension is a monthly benefit payable to the surviving spouse of a deceased contributor who has made contributions to the Plan for a minimum period (between three and ten calendar years, depending on the age of the contributor at the time of death). Surviving spouse's pensions are payable on the same conditions to widows and widowers. They are payable even if the surviving spouse remarries.

The "surviving spouse of the contributor" is the person of the opposite sex living with the contributor in a conjugal relationship (whether or not there was a marriage) at the time of death or, if there is no such person, the legal spouse (even if that legal spouse was not living with the contributor at the time of death). If the surviving spouse and deceased contributor were not legally married, they must have lived together for at least one year.

To qualify for a benefit, a surviving spouse who is under age 35 at the time of the contributor's death must be caring for a child of the contributor or he or she must be disabled as defined by the Canada Pension Plan.

A monthly orphan's benefit is also payable for each dependent child of the deceased contributor. The child must be under age 18, or age 18 or older but under age 25 and in full-time attendance at school or university.

A death benefit is payable to the estate of a deceased contributor who has made contributions to the Plan for a minimum period (between three and ten calendar years, depending on his or her age at the time of death).

Through the Agreement, when a spouse or child is not entitled to a survivor's benefit because the deceased had not completed sufficient periods of contributions to the Canada Pension Plan, periods of contributions completed by the deceased under the Belgian social security system may be used to satisfy the conditions for entitlement to a Canada Pension Plan survivor's benefit.

Calculating Canada Pension Plan Benefits Under the Agreement

The retirement pension, the surviving spouse's pension payable at age 65 and the death benefit are based on the earnings of the contributor while under the Canada Pension Plan and on the number of years of contributions to the Plan. The disability pension and the surviving spouse's pension payable before age 65 are composed of two parts: a benefit related to the earnings of the contributor and a flat-rate benefit. Benefits paid on behalf of a contributor's children are all flat-rate.

If entitlement to a Canada Pension Plan benefit is established under the Agreement, the flat-rate component is calculated in proportion to the periods during which contributions were made to the Plan relative to the minimum period of contributions required for entitlement to the

benefit. The earnings-related component is calculated in the same way as for a benefit which is paid without recourse to the Agreement.

Payment of Canada Pension Plan Benefits

Canada Pension Plan benefits are paid by Human Resources Development Canada in Canadian funds directly to the beneficiary, whether he or she lives in Canada or abroad.

BELGIAN BENEFITS INCLUDED IN THE AGREEMENT

Retirement Pensions

Belgian retirement pensions are paid monthly to persons who have reached retirement age and who have contributed to the Belgian social security schemes for salaried workers or for self-employed workers.

Under the Belgian pension schemes, the retirement age is normally 65 years for men and 60 years for women. For men, pension payments may begin up to five years before normal retirement age, provided that social security contributions have been paid for a specified period. In such a case, the amount of the pension is permanently reduced by 5 percent for each year between actual and normal retirement age.

The Belgian pension schemes do not provide increases when the beginning of the pension is deferred until after normal retirement age.

Persons who have worked in the merchant navy or in mining operations as surface workers may receive the part of the salaried workers' pension corresponding to their periods in such employment, without reduction, beginning at age 60.

Workers in underground mining may receive the part of the salaried workers' pension corresponding to their periods of employment in underground mining, without reduction, beginning at age 55. A retirement pension without reduction may also be paid, regardless of age, after 25 years of employment in Belgian coal mines or underground quarries.

With the coming into force of the Agreement, Canadian citizens, irrespective of where they live, may receive the Belgian retirement pensions to which they are entitled. Prior to the coming into force of the Agreement, Canadian citizens could receive Belgian retirement pensions only while living in Belgium.

Eligible persons must apply for Belgian retirement pensions. An application may be made at the earliest one year before the pension is to begin. Information on how to apply for benefits is provided on page 14.

Survivors' Pensions

Belgian survivors' pensions are paid monthly to the surviving spouse of a deceased person who has contributed to the Belgian social security schemes for salaried workers or for self-employed workers. A widower may receive a survivor's pension only if his spouse died after December 31, 1983.

A surviving spouse should submit an application for a survivor's pension. This should be done as early as possible. Information

on how to apply for benefits is provided on page 14.

The award of a normal survivor's pension is subject to conditions relating to the length of the marriage, age, the surviving spouse's incapacity to work, dependent children, and other factors. If these conditions are not met or cease to be satisfied, entitlement to a survivor's pension may cease or the amount of the pension may be reduced.

Entitlement to a normal survivor's pension ceases on remarriage.

Through the Agreement, Belgian survivor's pensions may be paid, irrespective of where the surviving spouse lives, if the surviving spouse is a Canadian citizen or if, at the time of death, the deceased was a Canadian citizen. Before the coming into force of the Agreement, the survivor's pension payable to a surviving spouse could be paid in Canada only if the deceased, or the surviving spouse, was a Belgian national or a national of a country with which Belgium was bound by a social security agreement.

Invalidity Benefit

The Belgian invalidity benefit is a monthly benefit paid to a person who is subject to the mandatory sickness and invalidity insurance scheme (cash benefits sector) and whose incapacity to work lasts for more than one year.

To be entitled to this benefit, the invalidity must be recognized as resulting in the loss of at least two thirds of the claimant's earning capacity.

In addition, the claimant must be a member of or registered with an insuring agency (mutualité or regional office of the auxiliary sickness and invalidity insurance fund), and must have submitted to that agency quarterly statements indicating that contributions of a minimum value have been made or he or she

must complement this value through personal contributions. He or she must also have worked for a minimum number of days over a period of six months as decreed by the King (usually 120 days of work or days considered equivalent).

Through the Agreement, Canadian citizens and Belgian nationals may fulfil the insurance condition for entitlement to an invalidity benefit under Belgian legislation by taking into account periods of contributions to the Canada Pension Plan or periods of residence in Canada recognized under the Old Age Security Act. It must be noted that this right is provided only to Canadian citizens and to Belgian nationals.

As well, since the coming into force of the Agreement, the requirement of residence in Belgium imposed by Belgian legislation for entitlement to an invalidity benefit is no longer applied to a Canadian citizen or to a Belgian national residing in Canada.

Calculating Belgian Benefits Under the Agreement

If entitlement to a Belgian disability benefit is established by using the provisions of the Agreement, the benefit payable is determined on the basis of the ratio of the periods of insurance under the Belgian social security system to the sum of the periods of insurance in both countries prior to the disability. For this purpose, periods of insurance in Canada include periods of contributions to the Canada Pension Plan and periods of residence in Canada recognized for Old Age Security purposes.

Old age and survivors' pensions are calculated as provided by Belgian legislation, on the basis of the person's average earnings during the years in which he or she made contributions under the Belgian social security system and the number of years for which contributions were made.

Payment of Belgian Benefits

Belgian retirement and survivors' pensions under the Agreement will be paid by the Belgian social security institutions directly to the beneficiary, whether he or she lives in Canada, Belgium, or elsewhere.

Belgian invalidity benefits are paid by the Belgian social security institutions directly to a Canadian or Belgian beneficiary even if the beneficiary resides in Canada.

DETERMINING THE APPLICABLE LEGISLATION

Without an agreement, a person might be required to contribute both to the Canada Pension Plan and to a Belgian social security scheme for the same work. The Agreement on Social Security between Canada and Belgium eliminates such situations of "dual coverage".

General Rule

Under the Agreement, an employee is normally subject only to the legislation of the country in which he or she works and is, therefore, exempt from contributions under the legislation of the other country in respect of the same work.

Temporary Postings in Belgium

An exception to the general rule applies in the case of a "detached worker" (e.g., an employee who normally works in Canada and is covered under the Canada Pension Plan in respect of that

work, and who is sent by his or her employer to work in Belgium on a temporary basis). Under the Agreement, such a worker is able to continue his or her coverage under the Canada Pension Plan for a period of 24 months and, while this coverage remains in effect, is exempt from social security contributions to the Belgian system in respect of the same work.

Government Employment

Another exception to the general rule applies to persons in government employment for one of the countries performing their duties in the other country. They are normally subject to the social security laws of the latter country only if they are citizens or permanent residents of that country.

Residence Under the Old Age Security Act

In addition to the coverage provisions just described, the Agreement between Canada and Belgium contains another provision which ensures that a person who is covered under the Canada or Quebec Pension Plan while residing in Belgium is also covered by the Old Age Security Act which is usually based only on residence in Canada. Thus, during that period, complete coverage is afforded under Canadian legislation. Conversely, a person who is residing and working in Canada and is subject to the social security legislation of Belgium does not have those periods considered as periods of residence for purposes of the Old Age Security Act.

MORE INFORMATION CONCERNING CONTRIBUTIONS

Revenue Canada, Taxation administers the provisions of the Canada Pension Plan relating to the making of contributions. Questions regarding the obligation of an employee, an employer or a self-employed person to contribute to the Canada Pension Plan as a result of the Canada/Belgium Agreement, as well as questions concerning continued coverage under the Plan while temporarily posted to work in Belgium, should be addressed to:

Source Deductions Division
Revenue Canada, Taxation
OTTAWA, Ontario
K1A 0L8

APPLYING FOR BENEFITS UNDER THE AGREEMENT

Additional information about the Agreement and assistance in applying for any of the Canadian or Belgian benefits described in this summary are available from any Client Service Centre of Income Security Programs Branch. The telephone number and address of the nearest Centre can be found in the federal government listing of the telephone directory under "Human Resources Development Canada". Alternately, inquiries may be addressed to:

Director
International Operations
Income Security Programs Branch
Human Resources Development Canada
OTTAWA, Ontario
K1A 0L1

Persons residing in Canada must submit their applications for Belgian benefits to Human Resources Development Canada through the offices referred to in the preceding paragraph.

©Minister of Supply and Services Canada, 1996
Cat. No.: H22-21/23-1996E
ISBN 0-662-24609-8

